



Crl.A.No.821 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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D.V.Sivakumar Reddy ... Appellant
Vs.

T.Ranganathan ... Respondent

PRAYER: Criminal Appeal filed under Section 419 of BNSS, 2023, pleaded to set aside the order dated 11.06.2024 passed in C.C.No.4440 of 2019 on the file of the Metropolitan Magistrate cum Fast Track Court - II, Egmore, Allikulam, Chennai.

For Appellant : Mr.S.L.Sudarsanam

JUDGMENT

The Appeal has been preferred as against the order of acquittal passed in C.C.No.4440 of 2019 on the file of the Metropolitan Magistrate cum Fast Track Court - II, Egmore, Allikulam, Chennai for the offence punishable under Section 138 of Negotiable Instruments Act.

2.The appellant is the complainant. In the complaint lodged by him for the offence punishable under Section 138 of Negotiable Instruments Act as against the respondent alleging that in order to repay the debt the



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respondent issued cheque for a sum of Rs.84,00,000/- which was presented for collection. However, it was returned dishonoured for the reason that funds are insufficient. Hence, the appellant lodged a complaint.

3.On the side of the appellant P.W.1 was examined and Ex.P1 to Ex.P12 were marked. On the side of the respondent, D.W.1 was examined and no exhibits were marked. On perusal of the oral and documentary evidence, the Trial Court found the respondent not guilty and acquitted him of the charges under Section 138 of the Negotiable Instruments Act. Aggrieved by the same, the appeal has been preferred.

4.The counsel for the appellant submits that the respondent did not deny the signature and issuance of cheque. Therefore, the appellant had discharged his initial burden as contemplated under Section 138 of Negotiable Instruments Act. Though the respondent failed to rebut the presumption, the trial Court mechanically acquitted the respondent on the ground that the cheque was not issued for legally enforceable debt. He further submit that during the cross examination of P.W.1, on 25.10.2018, a sum of Rs.1.85 lakhs/- was the entire liability of the respondent and it



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was not paid by the respondent to the appellant towards the transaction between them. Therefore, the trial Court ought to have convicted the respondent.

5. Heard the learned counsel appearing for the appellant and perused the materials available on record.

6. On perusal of the records revealed that the case of the appellant is that in order to repay the dues, the respondent issued cheque. However, the appellant did not even whisper about what was the amount paid to the respondent for which the respondent issued cheque that too for the sum of Rs.84,00,000/-. Further, the appellant did not even whisper that on what mode the amount was paid to the respondent. On receipt of the statutory notice the respondent categorically denied his liability and cheque was received by the appellant on coercion. The specific case of the respondent is that he acted as a mediator between one Mohan Kumar and the appellant in respect of purchase of land owned by the said Mohan Kumar. The appellant agreed to purchase the same for a sum of Rs.1 crore and paid sum of Rs.84,00,000/- in favour of the said Mohan Kumar. Subsequently, they found that some encumbrance in the property and as



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such the appellant and the respondent lodged a complaint as against the said Mohan Kumar and culminated into criminal trial. In the said trial, the Mohan Kumar is facing charges. That apart the respondent also lodged another complaint as against the Mohan Kumar and it is also pending investigation in Cr.No.169 of 2021. At that juncture, the appellant compelled the respondent and obtained cheques on behalf of the said Mohan Kumar. Therefore, admittedly there was no consideration passed to the respondent. By way of reply notice itself, the respondent categorically rebutted the presumption under Section 118 and 139 of N.I. Act. However, the appellant failed to prove his complaint that cheque was issued for legally enforceable debt. Hence, the trial Court rightly acquitted the respondent and this Court finds no infirmity or illegality in the Judgment of acquittal dated 11.06.2024 made in C.C.No.4440 of 2019 on the file of the Metropolitan Magistrate cum Fast Track Court - II, Egmore at Allikulam, Chennai.

7. Accordingly, this Criminal Appeal stands dismissed.

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Neutral citation : Yes/No
Speaking/non-speaking order

Index : Yes/No



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To

1.The Metropolitan Magistrate
cum Fast Track Court - II, Egmore, Allikulam.



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G.K.ILANTHIRAIYAN, J.

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